coc

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 FEB 12 PM 12: 14

UNITED STATES OF AMERICA, Plaintiff, v. **Def 1) Eli Norman BLISS, Def 2) Hanaa KANANI Def 3) David Harold DECKER** Defendant(s)	Magistrate Case No. '08 MJ 0402 COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens

DEPUTY

The undersigned complainant, being duly sworn, states:

On or about **February 11, 2008,** within the Southern District of California, defendants **Eli Norman BLISS, Hanaa KANANI, and David Harold DECKER** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Juan Jose TENJUAH-Santos, Esteban ALVAREZ-Santos, Efrain MONTOYA-Velasco, and Jorge MONTOYA-Velasco** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 12th DAY OF **FEBRUARY, 2008**

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT re:
Eli Norman BLISS, Hanaa KANANI, and David Harold DECKER

CJC

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Juan Jose TENJUAH-Santos, Esteban ALVAREZ-Santos, Efrain MONTOYA-Velasco, and Jorge MONTOYA-Velasco** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 11, 2008 Supervisory Border Patrol Agent A. Filarecki was performing assigned duties as the Interstate 8 eastbound Border Patrol checkpoint supervisor. The check point is located approximately 30 miles east of the port of entry at Tecate, California and approximately 1 mile north of the United States/Mexico border fence. Agent Filarecki was in full Border Patrol uniform and checkpoint was in full operation.

At approximately 1:55 a.m., Border Patrol Agent M Bouchard, working the primary position of the checkpoint, had a bluish-gray Honda bearing Nevada license plates come to the stop sign. BPA Bouchard identified himself as a United States Border Patrol Agent and asked the two visible occupants of the car as to their citizenship. The driver, defendant **Eli Norman BLISS** stated that he was a citizen and national of the United States. The passenger, defendant **Hanaa KANANI** stated that she too, was a citizen and national of the United States. These were the only two visible occupants of the Honda. BPA Bouchard noticed that a spare tire was in the back seat. BPA Bouchard asked where they were going and BLISS responded that they were going to San Diego. BPA Bouchard knew that the vehicle was traveling away from San Diego and headed toward El Centro. BPA Bouchard directed BLISS to pull the vehicle into the secondary inspection area for further investigation.

The Honda pulled into the secondary inspection area and then immediately accelerated, failing to yield to BPA Bouchard's directions to stop. SBPA Filarecki, along with Border Patrol Agent B. Harbourt, followed the vehicle in a marked Border Patrol sedan and alerted the Boulevard Border Patrol station that he was going to switch radio frequencies to El Centro West to alert El Centro Border Patrol Agents to the vehicle and its location. At 1:57 a.m., SBPA Filarecki notified El Centro units that the vehicle fled the checkpoint and is now eastbound on Interstate 8. At approximately 2:10 a.m., SBPA Filarecki attempted a vehicle stop on the Honda. The Honda yielded, but with KANANI as the driver and with BLISS as the passenger.

SBPA Filarecki asked the driver to open the trunk. When the trunk opened, there were two males inside the trunk area. After identifying himself as a United States Border Patrol Agent, SBPA Filarecki asked the two male persons as to their citizenship. Both admitted to being citizens and nationals of Mexico illegally present in the United States. SBPA Filarecki placed all four occupants of the Honda under arrest.

At this point, the four individuals were being searched incident to their arrest when KANANI started saying that there was another vehicle involved, a blue Mustang, and that they had illegal aliens as well. While KANANI was announcing this, a blue Mustang passed the location of the vehicle stop. KANANI stated "That is the car right there". SBPA Filarecki and BPA Harbourt and went after the blue Ford Mustang to investigate further. After catching up to the Mustang, SBPA Filarecki activated his emergency lights and siren. The Mustang immediately pulled over.

SBPA Filarecki approached the vehicle and identified himself as a United States Border Patrol Agent and questioned the only two visible occupants as to their citizenship. The driver, defendant David Harold DECKER Jr., stated that he was a United States citizen. The front seat passenger, a female later identified as Brooke Lynne DENNISTON also stated that she was a citizen of the United States as well.

SBPA Filarecki noticed blankets and many personal effects, along with tools in the back floorboard area. Agent Filarecki asked defendant DECKER if he could look in the trunk of the vehicle. Defendant DECKER gave Agent Filarecki permission to look in the trunk and Agent Filarecki asked him to step out and open the trunk for him. DECKER exited the vehicle and walked to the rear of the vehicle and said "I don't want them anymore." SBPA Filarecki asked the defendant what he meant by this and the defendant further stated "They have been at my house all day, you can have them." SBPA Filarecki told defendant DECKER that he didn't understand what he was saying so SBPA Filarecki asked defendant DECKER "who, who don't you want anymore?" As the trunk opened, defendant DECKER said "them."

The opened trunk revealed two males in the trunk. Again, SBPA Filarecki questioned the two in English as to their citizenship. The two males did not respond to the questions, so SBPA Filarecki asked the same question in the Spanish language. The two males admitted to being citizens of Mexico illegally present in the United States. The two males from the trunk were arrested for Entry Without Inspection and both the driver, defendant DECKER, and passenger of the Mustang, DENNISTON, were arrested for Alien Smuggling. All eight individuals were transported back to the Boulevard Border Patrol station for processing.

STATEMENT OF DEFENDANT ELI NORMAN BLISS:

The defendant was advised of his rights as per the Miranda Warning. The defendant understood his rights and agreed to be interviewed without representation. Defendant **BLISS** stated that he is a citizen of the United States. **BLISS** stated that on February 11, 2008 he drove from La Mesa, California to the Golden Acorn Casino near Boulevard, California. **BLISS** stated that while at the casino, he was with his girlfriend while gambling. **BLISS** stated that once he drove to the Border Patrol Checkpoint, he knew "something was up". **BLISS** added that Hanaa told him to let her drive and to not stop in the inspection area at the checkpoint. **BLISS** said that he was not aware of illegal aliens in the trunk of the car and that he did not know why there was a spare tire on the back seat of his car. **BLISS** admitted that he has a criminal record and that he is on parole. **BLISS** added that he has never smuggled before and does not know the people in the blue Ford Mustang.

STATEMENT OF DEFENDANT HANAA KANANI:

The defendant was advised of her rights as per the Miranda Warning. The defendant admitted that she understood her rights and agreed to be interviewed without representation.

KANANI stated that she is a citizen of the United States. **KANANI** stated that on February 11, 2008, while at home in La Mesa, California, she was hanging out with her boyfriend, defendant **Eli BLISS**. **KANANI** stated she had not had the opportunity to leave her house recently and was planning on going to the casino. **KANANI** added that it didn't make sense to go to the Golden Acorn Casino because she and defendant **BLISS** did not have any money. **KANANI** admitted that two individuals who were driving in a Ford Mustang came over to her house in La Mesa. **KANANI** stated that this was the first time she met the driver of the Ford Mustang, **Decker** (defendant **David Harold DECKER**), and the passenger, a 16 year old female. **KANANI** stated that defendant **BLISS** knows **David**.

While at her house in La Mesa, **KANANI** stated that **David** appeared to be waiting for a phone call. **KANANI** stated that they drove from La Mesa to the Golden Acorn Casino. **KANANI** stated that they followed the blue Mustang, driven by **David**, into a turnaround near the gas station at the Golden Acorn

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED 08 FEB 12 PM 12: 14

UNITED STATES OF AMERICA, Plaintiff, v. **Def 1) Eli Norman BLISS, Def 2) Hanaa KANANI Def 3) David Harold DECKER** Defendant(s)	Magistrate Case No. '08 MJ 0402 COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens

The undersigned complainant, being duly sworn, states:

On or about **February 11, 2008,** within the Southern District of California, defendants **Eli Norman BLISS, Hanaa KANANI, and David Harold DECKER** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Juan Jose TENJUAH-Santos, Esteban ALVAREZ-Santos, Efrain MONTOYA-Velasco, and Jorge MONTOYA-Velasco** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 12th DAY OF **FEBRUARY, 2008**

Anthony J. Battaglia
UNITED STATES MAGISTRATE JUDGE

CJC

CONTINUATION OF COMPLAINT re:
Eli Norman BLISS, Hanaa KANANI, and David Harold DECKER

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Juan Jose TENJUAH-Santos, Esteban ALVAREZ-Santos, Efrain MONTOYA-Velasco, and Jorge MONTOYA-Velasco** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 11, 2008 Supervisory Border Patrol Agent A. Filarecki was performing assigned duties as the Interstate 8 eastbound Border Patrol checkpoint supervisor. The check point is located approximately 30 miles east of the port of entry at Tecate, California and approximately 1 mile north of the United States/Mexico border fence. Agent Filarecki was in full Border Patrol uniform and checkpoint was in full operation.

At approximately 1:55 a.m., Border Patrol Agent M Bouchard, working the primary position of the checkpoint, had a bluish-gray Honda bearing Nevada license plates come to the stop sign. BPA Bouchard identified himself as a United States Border Patrol Agent and asked the two visible occupants of the car as to their citizenship. The driver, defendant **Eli Norman BLISS** stated that he was a citizen and national of the United States. The passenger, defendant **Hanaa KANANI** stated that she too, was a citizen and national of the United States. These were the only two visible occupants of the Honda. BPA Bouchard noticed that a spare tire was in the back seat. BPA Bouchard asked where they were going and BLISS responded that they were going to San Diego. BPA Bouchard knew that the vehicle was traveling away from San Diego and headed toward El Centro. BPA Bouchard directed BLISS to pull the vehicle into the secondary inspection area for further investigation.

The Honda pulled into the secondary inspection area and then immediately accelerated, failing to yield to BPA Bouchard's directions to stop. SBPA Filarecki, along with Border Patrol Agent B. Harbourt, followed the vehicle in a marked Border Patrol sedan and alerted the Boulevard Border Patrol station that he was going to switch radio frequencies to El Centro West to alert El Centro Border Patrol Agents to the vehicle and its location. At 1:57 a.m., SBPA Filarecki notified El Centro units that the vehicle fled the checkpoint and is now eastbound on Interstate 8. At approximately 2:10 a.m., SBPA Filarecki attempted a vehicle stop on the Honda. The Honda yielded, but with KANANI as the driver and with BLISS as the passenger.

SBPA Filarecki asked the driver to open the trunk. When the trunk opened, there were two males inside the trunk area. After identifying himself as a United States Border Patrol Agent, SBPA Filarecki asked the two male persons as to their citizenship. Both admitted to being citizens and nationals of Mexico illegally present in the United States. SBPA Filarecki placed all four occupants of the Honda under arrest.

At this point, the four individuals were being searched incident to their arrest when KANANI started saying that there was another vehicle involved, a blue Mustang, and that they had illegal aliens as well. While KANANI was announcing this, a blue Mustang passed the location of the vehicle stop. KANANI stated "That is the car right there". SBPA Filarecki and BPA Harbourt and went after the blue Ford Mustang to investigate further. After catching up to the Mustang, SBPA Filarecki activated his emergency lights and siren. The Mustang immediately pulled over.

SBPA Filarecki approached the vehicle and identified himself as a United States Border Patrol Agent and questioned the only two visible occupants as to their citizenship. The driver, defendant David Harold DECKER Jr., stated that he was a United States citizen. The front seat passenger, a female later identified as Brooke Lynne DENNISTON also stated that she was a citizen of the United States as well.

CONTINUATION OF COMPLAINT re:
Eli Norman BLISS, Hanaa KANANI, and David Harold DECKER

SBPA Filarecki noticed blankets and many personal effects, along with tools in the back floorboard area. Agent Filarecki asked defendant DECKER if he could look in the trunk of the vehicle. Defendant DECKER gave Agent Filarecki permission to look in the trunk and Agent Filarecki asked him to step out and open the trunk for him. DECKER exited the vehicle and walked to the rear of the vehicle and said "I don't want them anymore." SBPA Filarecki asked the defendant what he meant by this and the defendant further stated "They have been at my house all day, you can have them." SBPA Filarecki told defendant DECKER that he didn't understand what he was saying so SBPA Filarecki asked defendant DECKER "who, who don't you want anymore?" As the trunk opened, defendant DECKER said "them."

The opened trunk revealed two males in the trunk. Again, SBPA Filarecki questioned the two in English as to their citizenship. The two males did not respond to the questions, so SBPA Filarecki asked the same question in the Spanish language. The two males admitted to being citizens of Mexico illegally present in the United States. The two males from the trunk were arrested for Entry Without Inspection and both the driver, defendant DECKER, and passenger of the Mustang, DENNISTON, were arrested for Alien Smuggling. All eight individuals were transported back to the Boulevard Border Patrol station for processing.

STATEMENT OF DEFENDANT ELI NORMAN BLISS:

The defendant was advised of his rights as per the Miranda Warning. The defendant understood his rights and agreed to be interviewed without representation. Defendant **BLISS** stated that he is a citizen of the United States. **BLISS** stated that on February 11, 2008 he drove from La Mesa, California to the Golden Acorn Casino near Boulevard, California. **BLISS** stated that while at the casino, he was with his girlfriend while gambling. **BLISS** stated that once he drove to the Border Patrol Checkpoint, he knew "something was up". **BLISS** added that Hanaa told him to let her drive and to not stop in the inspection area at the checkpoint. **BLISS** said that he was not aware of illegal aliens in the trunk of the car and that he did not know why there was a spare tire on the back seat of his car. **BLISS** admitted that he has a criminal record and that he is on parole. **BLISS** added that he has never smuggled before and does not know the people in the blue Ford Mustang.

STATEMENT OF DEFENDANT HANAA KANANI:

The defendant was advised of her rights as per the Miranda Warning. The defendant admitted that she understood her rights and agreed to be interviewed without representation.

KANANI stated that she is a citizen of the United States. **KANANI** stated that on February 11, 2008, while at home in La Mesa, California, she was hanging out with her boyfriend, defendant **Eli BLISS**. **KANANI** stated she had not had the opportunity to leave her house recently and was planning on going to the casino. **KANANI** added that it didn't make sense to go to the Golden Acorn Casino because she and defendant **BLISS** did not have any money. **KANANI** admitted that two individuals who were driving in a Ford Mustang came over to her house in La Mesa. **KANANI** stated that this was the first time she met the driver of the Ford Mustang, **Decker** (defendant **David Harold DECKER**), and the passenger, a 16 year old female. **KANANI** stated that defendant **BLISS** knows **David**.

While at her house in La Mesa, **KANANI** stated that **David** appeared to be waiting for a phone call. **KANANI** stated that they drove from La Mesa to the Golden Acorn Casino. **KANANI** stated that they followed the blue Mustang, driven by **David**, into a turnaround near the gas station at the Golden Acorn

Casino. **KANANI** said once at the turnaround defendants **David** and **BLISS** exited the vehicles and were talking. **KANANI** stated after several minutes at the turnaround, four "Mexicans" came out of the brush. **KANANI** stated that defendant **Decker** directed two individuals into the trunk of the Mustang and two individuals into the trunk of the Honda.

KANANI admitted that defendant **Decker** told defendant **BLISS** to follow him onto the interstate. **KANANI** added that **Decker** or **BLISS** thought that the checkpoint was not operational. **KANANI** stated that when they reached the Border Patrol Checkpoint she knew that the agent suspected something. **KANANI** said that when the Border Patrol Agent asked the Honda to pull into the inspection area that she directed defendant **BLISS** not to stop and to continue driving. **KANANI** said that she was paranoid and scared. **KANANI** admitted to switching spots with **BLISS** and becoming the driver of the Honda right after the cone pattern of the Border Patrol Checkpoint. **KANANI** said that she did not want to get in trouble and was worried about her child and that she wanted to let the people out of the trunk. **KANANI** admitted to driving at a high rate of speed. **KANANI** stated that **BLISS** told her to stop the car and pull over but that she was scared and kept driving. When approached by Border Patrol Agents, **KANANI** admitted that she said there were "two Mexicans" in the trunk.

When asked if she knew if the people in the trunk were illegal **KANANI** stated "yes". **KANANI** also admitted that defendant **BLISS** told her to say she was forced or threatened to smuggle the aliens. When asked if she knew if it was illegal to smuggle aliens **KANANI** replied "not really because they were already here".

STATEMENTS OF MATERIAL WITNESSES:

Material witness Juan Jose TENJUAH-Santos admitted in to the following: He is a citizen of Mexico. He has no legal immigration documents allowing him to enter or remain in the United States. TENJUAH stated that he traveled to Tijuana, Mexico by plane and intended to pay between $1,500.00 and $1,700.00 to be smuggled into the United States. TENJUAH said that arrangements were made by a friend. TENJUAH added that he planned on going to San Diego. TENJUAH admitted that he crossed the United States/Mexico border fence by foot on Tuesday and that the guides left him and another guy. TENJUAH added that he felt his life was being threatened because the vehicle was driving too fast and he felt scared. TENJUAH positively identified Eli BLISS as the driver of the Honda he was being smuggled in via a photo lineup.

Material witness Esteban ALVAREZ-Santos admitted to the following: He is a citizen of Mexico. Both of his parents are citizens of Mexico. ALVAREZ said that he has no legal immigration documents to remain in the United States legally. ALVAREZ said that on the previous Tuesday he crossed the United States/Mexico Border near Tecate, California with approximately five other individuals. ALVAREZ said that he took a plane to Tijuana, Baja California and from there he made arrangements to be smuggled to Los Angeles, California. ALVAREZ stated that he was going to pay the smugglers 1700.00 dollars upon arriving in San Diego, California. ALVAREZ was shown a picture line-up and positively identified defendant BLISS as the driver and defendant KANANI as the passenger.

CONTINUATION OF COMPLAINT re:
Eli Norman BLISS, Hanaa KANANI, and David Harold DECKER

STATEMENT OF DEFENDANT DAVID HAROLD DECKER:

The defendant was advised of his rights as per the Miranda Warning. The defendant understood his rights and agreed to be interviewed without representation. Defendant **DECKER** stated that he is a citizen of the United States. **DECKER** states that he is the owner of the vehicle that he was driving. **DECKER** stated that he decided to pick up people for $500.00 because he was broke and needed money. **DECKER** said that a "regular" at the Golden Acorn Casino approached him to go to Campo near Church Road and take the people to San Marcos.

DECKER does not claim to remember who opened the trunk to let the aliens in, because he was on the phone speaking with someone else. **DECKER** admits that he was pulled over and that he wanted to get rid of the bodies before getting pulled over. **DECKER** claims that the only contact with the individual that was to pay him was a phone number in his cell phone.

STATEMENT OF MATERIAL WITNESSES:

Material witnesses Jorge MONTOYA-Velasco and Efrain MONTOYA-Velasco admitted in summary to the following: They are citizens of Mexico and were born in Calbillo, Aguascalientes, Mexico. Both of their parents are citizens of Mexico. They admitted to crossing into the United States illegally. They had no legal immigration documents to remain in the United States legally. They crossed the United States/Mexico Border on Wednesday near Tecate, California. They took a plane to Mexicali, Baja California and from there made arrangements to be smuggled to Seattle, Washington. They were going to pay the smugglers 2000.00 dollars upon arriving in Seattle, Washington.